

**Amendments to the Drawings:**

Attached is one sheet of drawings that include changes to Figure 1A. This sheet replaces the original sheet that included Figure 1A. The Examiner is respectfully requested to approve the amended drawing.

## REMARKS

In the Office Action of 11/30/2004, the Examiner objected to the drawings and claims 1-34 were examined and rejected. In this response, Applicants have canceled claims 13-19, 26, 27, 29, and 31-34. Accordingly, claims 1-12, 20-25, 28, and 30 will be pending in this application.

### I. Objection to the Drawings:

In the Office Action, the Examiner objected to the drawings under 37 CFR 1.83(a). Specifically, the Examiner stated that all drawings must show every feature of the invention specified in the claims and that the headset and headset plug of claim 29 must be shown. Although claim 29 has been canceled, some limitations of claim 29 are included in amended claim 24. As such, the specification and drawings have been amended in accordance with the Examiner's objection. Specifically, Figure 1A has been amended to show an earpiece/headset 152. A corresponding amendment to the specification (on page 8, lines 14-21) has also been made to insert the numeral identifier (152) for the earpiece/headset. Applicants assert that no new matter is being added and support for the earpiece/headset 152 can be found in the specification (e.g., on page 8, lines 14-21). The Examiner is respectfully requested to approve the proposed drawing changes.

No amendments have been made to the drawings or specification in regards to the headset plug as a headset plug 150 is already shown in the figures (e.g., Figure 1A). Support for the headset plug 150 can be found in the specification (e.g., on page 8, lines 14-21).

### II. Rejections Under 35 U.S.C. 112

In the Office Action, the Examiner rejected claims 16 and 17 for insufficient antecedent basis. Claims 16 and 17 have been canceled making rejection of those claims moot.

In the Office Action, the Examiner rejected claim 20 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter which Applicant regards as the invention. Claim 20 has been amended to address the Examiner's rejections thereof.

In the Office Action, the Examiner rejected claim 29 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 29 has been canceled making rejection of this claim moot.

III. Rejection of Claims 1-7, 11, 12, and 20-22 under 35 U.S.C. 103(a)

In the Office Action, the Examiner rejected claims 1-7, 11, 12, and 20-22 under 35 U.S.C. 103(a) as being unpatentable over Haraguchi (U.S. Patent No. 6,813,416, hereinafter Haraguchi) in view of Raisanen (U.S. Patent No. 6,502,090, hereinafter Raisanen). The Applicants respectfully traverse. Claim 1 recites a mobile device comprising:

- a) at least one mobile computing application;
- b) at least one phone application; and
- c) a user-controllable pivoting input switch having multiple operational modes, wherein a plurality of operational modes direct the operation of the mobile computing application, and a plurality of operational modes direct the operation of the phone application.

Applicants submit that neither Haraguchi nor Raisanen, alone or in combination, teach or suggest each limitation of claim 1. For example, neither Haraguchi nor Raisanen teach or suggest a pivoting input switch having multiple operational modes that direct the operation of a mobile computing application *and* the operation of a phone application.

Haraguchi discloses a pager having a jog dial 17 constituting a key operating unit serving as various function keys such as an up-down key, an enter key, etc. (column 5, lines 31-36). Haraguchi, however, does not disclose that the jog dial 17 has multiple operational modes that

direct the operation of a mobile computing application *and* the operation of a phone application, as required in claim 1. Also, the Examiner stated that Haraguchi does not teach that the jog dial switch 17 performs an operation in the phone application.

Raisanen discloses a mobile phone having a rocker switch 2 with a lower 'Down-Scroll' switch 3 and an upper 'Up-Scroll' switch 4, and left and right 'soft' switches 5, 6 (column 3, lines 55-58). The Examiner stated that Raisanen teaches (at column 3, lines 60-65) that it is well known in the art to construct an electronic apparatus such that the provided buttons/switches have varying functions dependent upon the mode in which the device is operating. However, in the portion cited by the Examiner, Raisanen discloses that:

Whilst the function of the Down-Scroll and Up-Scroll switches 2, 3 is permanently defined as scrolling down and up menus displayed on the screen 1, the function of the soft switches changes depending upon the mode of operation *of the telephone*. (Emphasis added.)

As such, when stating that the function of the soft switches changes depending upon the mode of operation, Raisanen is referring to changes in modes of operation *only in regards to a telephone application*. Nowhere in Raisanen is suggested or disclosed that the rocker switch 2 has multiple operational modes that direct the operation of a mobile computing application *and* the operation of a phone application, as required in claim 1. Applicants respectfully request that the Examiner specify the portion(s) of Haraguchi or Raisanen that disclose the "direction of computing and phone applications" limitation of claim 1.

Further, there is no motive to combine the jog dial switch 17 of Haraguchi with the rocker switch 2 of Raisanen into a single switch that has multiple operational modes that direct the operation of a mobile computing application and the operation of a phone application to reduce the number of switches necessary to operate the device and simplify it's operation, as the

Examiner suggests. The motive to combine the cited references must be founded in the prior art itself. Rather, the motivations stated by the Examiner for combining the reference are provided by the present application (e.g., see page 1, line 18 to page 2, line 2 of the present specification).

As such, Applicants believe claim 1 is allowable over the cited references. Claims 2-7, 11, and 12 are dependent upon claim 1 and allowable for at least the same reasons as claim 1. Independent claim 20 is a device claim that includes the “direction of computing and phone applications” limitation of claim 1 and is allowable for at least the same reasons given for claim 1. Independent claim 21 is a method claim that includes the “direction of computing and phone applications” limitation of claim 1 and is allowable for at least the same reasons given for claim 1. Claim 22 is dependent upon claim 21 and allowable for at least the same reasons as claim 21.

IV. Rejection of Claims 8-10, 13-19, and 23 under 35 U.S.C. 103(a)

In the Office Action, the Examiner rejected claims 8-10, 13-19, and 23 under 35 U.S.C. 103(a) as being unpatentable over Haraguchi in view of Raisanen in further view of Silverbrook (U.S. Patent No. 6,788,293, hereinafter Silverbrook).

Claims 8-10 are dependent upon claim 1 and allowable for at least the same reasons as claim 1. Claims 13-19 have been canceled making rejection of those claims moot. Claim 23 is dependent upon claim 21 and allowable for at least the same reasons as claim 21.

V. Rejection of Claims 24-28 and 30-34 under 35 U.S.C. 103(a)

In the Office Action, the Examiner rejected claims 24-28 and 30-34 under 35 U.S.C. 103(a) as being unpatentable over Richards (U.S. Patent No. 5,141,540, hereinafter Richards) in view of Haraguchi. Claim 24 has been amended, and as the rejection may be applied to amended claim 24, the Applicants respectfully traverse. Claim 24 recites a mobile device comprising:

- a) a display screen;

b) a lid removably covering the display screen, said lid having a transparent element that allows at least a portion of the display screen to be visible while the lid covers the display screen;

c) a phone application;

d) a headset socket; and

e) a user-controllable pivoting input switch that directs the operation of the application while the lid covers the display screen,

wherein the pivoting input switch allows a user to interact with the phone application while the lid covers the display screen only when an earpiece or headset is plugged into the headset socket.

Applicants submit that neither Richards nor Haraguchi, alone or in combination, teach or suggest each limitation of amended claim 24. For example, neither Richards nor Haraguchi teach or suggest a pivoting input switch that allows a user to interact with the phone application while the lid covers the display screen *only when an earpiece or headset is plugged into the headset socket*. In fact, neither Richards nor Haraguchi even mention a headset socket or use of an earpiece or headset. Applicants respectfully request that the Examiner specify the portion(s) of Richards or Haraguchi that disclose the each limitation of amended claim 24.

Claims 25, 28, and 30 are dependent upon claim 24 and allowable for at least the same reasons as claim 24. Claims 26, 27, and 31-34 have been canceled making rejection of those claims moot.


## CONCLUSION

Based on the foregoing remarks, Applicants believe that the rejections and objections in the Office Action of 11/30/2004 are fully overcome and that the application is in condition for allowance. If the Examiner has any questions regarding the case, the Examiner is invited to contact Applicants' undersigned representative at the number given below.

Respectfully submitted,

STATTLER, JOHANSEN & ADELI LLP

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